

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201808849	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/29/2018 12:30 AM	Location of Incident: 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 1/29/2020	EO SOL 1/29/2020	
Date/Time CV Reported Wed, 10/24/2018 2:40 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/24/2018 2:40 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. POM Sean Massey	09984	957819	046 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Sean Massey	Discourtesy: Police Officer Sean Massey acted discourteously toward § 87(2)(b)				

Case Summary

On October 24, 2018, § 87(2)(b) filed this complaint over the phone with the CCRB.

At approximately 12:30AM on July 29, 2018, § 87(2)(b) was in the cells of the 46th Precinct stationhouse. Police Officer Sean Massey, of the 46th Precinct, removed § 87(2)(b)'s Rastafarian "crown", which is a knitted hat that § 87(2)(b) wears in accordance with his religious beliefs
(Allegation A- Discourtesy: § 87(2)(g))

As § 87(2)(b) filed this complaint approximately three months after the incident, stationhouse video footage that may have captured this incident had already expired. There is no other video that would have captured this incident.

Findings and Recommendations

Allegation A-Discourtesy: Police Officer Sean Massey acted discourteously toward § 87(2)(b)

It is undisputed that PO Massey and § 87(2)(b) were alone inside the cells when PO Massey removed § 87(2)(b)'s head covering. § 87(2)(g)

§ 87(2)(b) testified that when PO Massey placed him in the cell, § 87(2)(b) immediately asked to go to the hospital because the handcuffs were aggravating his arthritis and hurting his lower back (Board Review 01). PO Massey told § 87(2)(b) that he needed to take off his hat before being transported to the hospital. § 87(2)(b) is a Rastafarian and the hat he wears on his head is religious in significance. (For visual reference, please see the photo taken of § 87(2)(b) during his CCRB interview, located in Board Review 02). § 87(2)(b) told PO Massey that the hat was religious and that he did not want PO Massey to take it off. § 87(2)(b) suggested that PO Massey just feel around the hat. PO Massey then took the hat off § 87(2)(b)'s head and put the hat in his own pocket; § 87(2)(b) did not receive the hat back until he arrived at the hospital. § 87(2)(b)'s hair, which was styled in dreadlocks, goes down to his waist. § 87(2)(b) felt that PO Massey violated his rights and told PO Massey that if he were Jewish, PO Massey would not have ripped his head covering off. PO Massey did not respond to this but left the cell. PO Massey never felt through § 87(2)(b)'s hair at any point.

PO Massey testified that he did not lodge § 87(2)(b) into the cells but that he went in to the cells to tell him that he was the arresting officer (Board Review 03). § 87(2)(b) was wearing a head-covering; it appeared that § 87(2)(b)'s hair was bulky. PO Massey did not recall if § 87(2)(b) was in handcuffs at the time. PO Massey told § 87(2)(b) that he needed to remove the head covering. PO Massey needed to search his hair for any concealed weapons or narcotics. No superior officer instructed PO Massey to remove the head covering. PO Massey told § 87(2)(b) that § 87(2)(b) could remove the covering himself or he could do it for him. § 87(2)(b) refused to take the head covering off. PO Massey stated that § 87(2)(b) did not provide a reason for not removing the head covering. PO Massey noted that § 87(2)(b) was generally uncooperative in the arrest process; he refused to have his prints taken three times. PO Massey asked § 87(2)(b) to remove the garment approximately four times. PO Massey then took § 87(2)(b)'s head covering, searched through his hair, and gave the garment back to him. PO Massey did not know the head covering was religious. § 87(2)(b) did not tell PO Massey that he was a Rastafarian and that the head covering was religious in nature. § 87(2)(b) did not make any remark about how if he were Jewish, the officer would not remove his kippah. PO Massey did not know if there was a specific procedure when it comes to removing religious head coverings.

Patrol Guide Procedure 208-05 states that as part of a routine search of a prisoner, the arresting officer must examine the prisoner's hair (Board Review 04). The procedure also states that officers must inform a prisoner wearing a religious head covering that it must be searched and that the search could be conducted in private. The arresting officer must then search the religious head covering for weapons and contraband and then return it to the prisoner.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) is a party.
- Police Officer Sean Massey has been a member of service for four years and this is the first complaint in which he is a subject officer.

Mediation, Criminal, and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 3, 2019, the Office of the Comptroller has no record of a notice of claim filed in regards to this incident (Board Review 05)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date